rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Administrator, Soil Conservation Service, is no longer excepted under Schedule C.

§ 213.3313 [Amended]

Effective May 29, 1975, § 213.3313(k)(1) is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218).

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13877 Filed 5-28-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[Order No. 604-75]

PART 1—DEFINITIONS

PART 292—REPRESENTATION AND APPEARANCES

Representation and Appearance Before Immigration and Naturalization Service and Board of Immigration Appeals

On April 16, 1974, a notice of proposed rule making concerning representation of persons in proceedings before the Immigration and Naturalization Service and the Board of Immigration Appeals was published in the FEDERAL REGISTER, 39 FR 13659. Pursuant to that notice written comments of interested parties were submitted to the Chairman, Board of Immigration Appeals. All such comments have been considered. The existing regulations regarding representation and appearances are amended in the following major respects:

(1) Law students and law graduates not yet admitted to the bar may serve as representatives, under certain specified conditions, with the permission of the presiding official (8 CFR 292.1(a)(2));

(2) Specific criteria are provided for authorizing "reputable individuals" to serve as representatives (8 CFR 292.1(a)(3));

(3) A provisions requiring a licensed foreign attorney to obtain permission from the presiding official to serve as a representative is deleted, so that foreign attorneys will be on an equal footing with attorneys in this country (8 CFR 292.1(a)(6); and

(4) Standards are established for according recognition to organizations and for accrediting representatives (8 CFR 292.2).

1. Section 1.1 of 8 CFR Part 1 is amended by revising paragraphs (j) and (k) and adding a new paragraph (m) to read as follows:

§ 1.1 Definitions.

* * * * *

(j) The term "representative" refers to a person who is entitled to represent others as provided in § 292.1(a)(2), (3), (4), (5), (6), and § 292.1(b) of this chapter.

(k) The term "preparation," constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed Service forms by one whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedure.

* * * * *

(m) The term "representation" before the Board and the Service includes practice and preparation as defined in § 1.1(i) and (k).

2. Section 292.1 of 8 CFR Part 292 is revised to read as follows:

§ 292.1 Representation of others.

(a) A person entitled to representation may be represented by any of the following:

(1) *Attorneys in the United States.* Any attorney as defined in § 1.1(f) of this chapter.

(2) *Law students and law graduates not yet admitted to the bar.* A law student who is enrolled in the final year of an accredited law school or a law school graduate who is not yet admitted to the bar, provided that:

(i) He is appearing on an individual case basis, at the request of the person entitled to representation;

(ii) In the case of a law student, he has filed a statement that he is participating, under the direct supervision of a faculty member or an attorney, in a legal aid program or clinic conducted by the law school, and that he is appearing without direct or indirect remuneration; and

(iii) His appearance is permitted by the official before whom he wishes to appear (namely a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board), which official, if in his opinion special circumstances warrant it, may require that a law student be accompanied by the supervising faculty member or attorney.

(3) *Reputable individuals.* Any reputable individual of good moral character, provided that:

(i) He is appearing on an individual case basis, at the request of the person entitled to representation;

(ii) He is appearing without direct or indirect remuneration and files a written declaration to that effect;

(iii) He has a pre-existing relationship or connection with the person entitled to representation (e.g., as a relative, neighbor, clergyman, business associate or personal friend), provided that such requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

(iv) His appearance is permitted by the official before whom he wishes to appear (namely, a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board), provided that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself out to the public as qualified to do so.

(4) *Accredited representatives.* A person representing an organization described in § 292.2 of this chapter who has been accredited by the Board.

(5) *Accredited officials.* An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his official capacity and with the alien's consent.

(6) *Attorneys outside the United States.* An attorney other than one described in § 1.1(f) of this chapter, who does not maintain an office in the United States, who resides outside the United States and is licensed to practice law and in good standing in a court of general jurisdiction of the country in which he resides, and who is engaged in such practice.

(b) *Persons formerly authorized to practice.* A person, other than a representative of an organization described in § 292.2 of this chapter, who on December 23, 1952, was authorized to practice before the Board and the Service may continue to act as a representative, subject to the provisions of § 292.3 of this chapter.

(c) *Former employees.* No person previously employed by the Department of

Justice shall be permitted to act as a representative in any case in violation of the provisions of 28 CFR 45.735–7.

(d) *Amicus curiae.* The Board may grant permission to appear, on a case-by-case basis, as amicus curiae, to an attorney or to an organization represented by an attorney, if the public interest will be served thereby.

(e) Except as set forth in this section, no other person or persons shall represent others in any case.

3. The heading and text of § 292.2 of 8 CFR Part 292 are revised to read as follows:

§ 292.2 Organizations qualified for recognition; requests for recognition; withdrawal of recognition; accreditation of representatives; roster.

(a) *Qualifications of organizations.* A non-profit religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board may designate a representative or representatives to practice before the Service and the Board. Such organization must establish to the satisfaction of the Board that:

(1) it makes only nominal charges and assesses no excessive membership dues for persons given assistance; and

(2) it has at its disposal adequate knowledge, information and experience.

(b) *Requests for recognition.* An organization having the qualifications prescribed in paragraph (a) of this section may file a request for recognition on Form G–27 with a district director, regional commissioner or the Commissioner for transmittal to the Board. The Service shall forward the request, along with recommendations for approval or disapproval and reasons therefor. The organization and the Service shall be informed of the action taken by the Board.

(c) *Withdrawal of recognition.* The Board may withdraw the recognition of any organization which has failed to maintain the qualifications required by § 292.2(a). Withdrawal of recognition may be accomplished in accordance with the following procedure:

(1) The Service, by the district director within whose jurisdiction the organization is located, may conduct an investigation into any organization it believes no longer meets the standards for recognition.

(2) If the investigation establishes to the satisfaction of the district director that withdrawal proceedings should be instituted, he shall cause a written statement of the grounds upon which withdrawal is sought to be served upon the organization, with notice to show cause why its recognition should not be withdrawn. The notice will call upon the organization to appear before a special inquiry officer for a hearing at a time and place stated, not less than 30 days after service of the notice.

(3) The special inquiry officer shall hold a hearing, receive evidence, make findings of fact, state his recommendations, and forward the complete record to the Board.

(4) The organization and the Service shall have the opportunity of appearing at oral argument before the Board at a time specified by the Board.

(5) The Board shall consider the entire record and render its decision. The order of the Board shall constitute the final disposition of the proceedings.

(d) *Accredition of representatives.* An organization recognized by the Board under paragraph (b) of this section may apply for accreditation of persons of good moral character as its accredited representatives. An application for accreditation shall state the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure. An application may be filed with a district director, regional commissioner or the Commissioner for transmittal to the Board. The Service shall forward the application along with recommendations for approval or disapproval and reasons therefor. No individual may submit an application on his own behalf under this paragraph. The Board shall provide the organization with a copy of any adverse recommendation by the Service, with opportunity for rebuttal. The organization and the Service shall be advised of the action taken by the Board. The accreditation of a representative shall be valid for three years only. Renewal may be sought by making application in the same manner as for an inital accreditation. Accreditation terminates when the Board's recognition of the organization ceases for any reason or when the representative's employment or other connection with the organization ceases. The organization shall promptly notify the Board of such changes. Renewal applications shall be due for those who are accredited on May 29, 1975 as follows: For those accredited prior to January 1, 1974, no later than May 29, 1976, and for those accredited on or after January 1, 1974, no later than May 29, 1977. The application should be filed at least 30 days before the anniversary of the Board's notification to the organization that the individual had been accredited.

(e) *Roster.* The Board shall maintain an alphabetical roster of recognized organizations and their accredited representatives. A copy of the roster shall be furnished to the Commissioner and he shall be advised from time to time of changes therein.

(Secs. 103, 292, 66 Stat. 173, 235; (8 U.S.C. 1103, 1362)).

Dated: May 22, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75–13960 Filed 5–28–75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975–6]

NATURAL GAS LIQUID PRODUCTS

Pricing Prior to January 1, 1975

On December 20, 1974, FEA issued a new Subpart K to 10 CFR, Part 212, the Mandatory Petroleum Price Regulations, effective January 1, 1975. Subpart K provides regulations designed specifically to cover the pricing of natural gas liquids and natural gas liquid products (propane, butane, and natural gasoline). The pricing of these items was, until December 31, 1974, subject to Subpart E of the FEA price regulations, which applied generally to "refiners," a term defined in 10 CFR 212.31 to include a firm that "refines liquid hydrocarbons from oil and gas field gases * * *." Both refiners of crude oil and of natural gas and natural gas liquids are included within this definition. The new Subpart K was adopted to provide a set of price rules tailored to the purpose of regulating the prices charged for liquid products produced from natural gas, since the process of extracting liquid hydrocarbon products from natural gas differs in significant respects from the process of refining such products from crude oil.

In adopting the new Subpart K regulations, the FEA intended to accomplish three basic objectives: first, to provide a specific method by which maximum lawful prices for natural gas liquid products shall be computed, including a method by which increased product costs may be passed through in prices charged for products; second, to provide a method by which those entities whose May 15, 1973 selling prices for natural gas liquid products were abnormally low could adjust their prices to reflect more closely industry-wide average prices for those products on that date; and third, to provide a method by which refiners may pass through increased non-product costs attributable to gas plant operations.

To accomplish the first of these objectives, FEA provided for the passthrough of increased product costs associated with obtaining natural gas liquids and liquid products, expressly including increased costs of natural gas shrinkage, in a manner analogous to that provided in Subpart E of the FEA regulations for the passthrough of increased product costs. The reason for implementation of this method of increased cost passthrough was, in part, to provide a specific method by which the increased costs of raw materials associated with gas processing may be recovered in the prices charged for products that is basically equivalent to the method by which the increased costs of raw materials associated with crude oil refining may be recovered in prices charged for products. For processors of natural gas, the equivalent of increased product cost is the increase in the cost of "shrinkage" which occurs in the natural gas stream as a result of the extraction of natural gas liquids. The refiner's price rules of Subpart E, which applied to prices charged for natural gas liquid products until December 31, 1974, provided for the passthrough of increased product costs, but did not expressly indicate that sellers of natural gas liquids and liquid products could recover increased natural gas "shrinkage" costs as increased product costs, in prices charged for processed products.

To accomplish the second objective, FEA provided in Subpart K for the use

of adjusted May 15, 1973 prices by those firms that had May 15, 1973 selling prices for natural gas liquid products that were below average.

To accomplish the third objective, FEA included in Subpart K a provision for the passthrough, in prices charged for processed products, of actual increases in non-product costs attributable to gas plant operations, subject to a maximum limitation of $.005 per gallon.

The changes in the regulations effected by Subpart K were prospective. The FEA has concluded, however, that the basic issues which the Subpart was intended to resolve have been in existence since the inception of FEA regulations, and that, insofar as practicable, they need to be resolved with respect to the period prior to January 1, 1975, during which Subpart E applied to the pricing of natural gas liquid products, particularly in view of the fact that FEA compliance actions, as well as private rights, remain dependent in large measure upon the application and interpretation of Subpart E to natural gas liquid product price determinations.

FEA is therefore issuing this ruling to make clear that increased costs of natural gas shrinkage could be passed through as increased product costs pursuant to the provisions of Subpart E, and, generally, to more clearly describe the application of the price rules of Subpart E in determining natural gas liquid product prices, before Subpart K became effective on January 1, 1975.

Also, since there were no provisions in Subpart E for use of adjusted May 15, 1973 prices by those firms that had lower than average prices on that date, and since the atypical pricing patterns of May 15, 1973, which are permitted to be adjusted by Subpart K, have affected firms since before the effective date of Subpart K, the FEA is proposing, concurrently with the issuance of this ruling, a class exception to permit the adjusted May 15, 1973 prices of Subpart K to be applied retroactively. The exception proposal also contains provisions to afford passthrough of actual non-product cost increases incurred prior to January 1, 1975, subject to a specific per gallon limitation.

Facts: Firms A, B and C are "refiners," as defined in 10 CFR 212.31, which process natural gas or natural gas liquids and recover natural gas liquid products (propane, butane and natural gasoline), which they sell. During 1974, Firms A, B and C obtained natural gas or natural gas liquids for processing in their plants under three different arrangements:

(1) Firm A purchased a mixed stream of natural gas liquids at a fixed price per gallon from Firm X, a firm which had extracted the natural gas liquids from natural gas. Firm A fractionated the mixed stream of natural gas liquids and sold the resulting natural gas liquid products;

On May 15, 1973, Firm A purchased the mixed stream of natural gas liquids from Firm X at a rate of 6 cents per gallon for the propane content, 6.5 cents per gallon for the butane content, and 8.5 cents per gallon for the natural gasoline content. During November 1974, Firm A purchased the mixed stream of natural gas liquids at a lawful rate of 8 cents per gallon for the propane content, 8.5 cents per gallon for the butane content, and 10.5 cents per gallon for the natural gasoline content.

(2) Firm B purchased "wet" natural gas under a "net back" contract arrangement with Firm Y, a natural gas producer. Title to the "wet" natural gas passed to Firm B at the wellhead, and Firm B transported the gas to its gas plant, where the natural gas liquids were extracted and fractionated into natural gas liquid products. Both the natural gas liquid products and the residue gas were sold by Firm B, subject to the "net back" arrangement with Firm Y. Firms B and Y shared in the proceeds from the sale of the natural gas liquid products and from the sale of the residue gas on a percentage basis. On May 15, 1973, Firm B sold its residue gas at a rate of 23 cents per MCF, and in November, 1974, it sold the residue gas at a rate of $1.50 per MCF; and

(3) Firm C produced and processed "wet" natural gas in its plants to extract natural gas liquids and to fractionate those liquids into natural gas liquid products. Firm C sold the natural gas liquid products and the residue gas. On May 15, 1973, Firm C sold its residue gas at a rate of 22.3 cents per million BTU's and in November, 1974 it sold the residue gas at a rate of $1.45 per million BTU's.

On May 15, 1973, Firms A, B and C all sold the natural gas liquid products from their gas plants to Firm M, a distributor and marketer of natural gas liquid products, at 7.5 cents per gallon for propane, 8 cents per gallon for butane, and 10 cents per gallon for natural gasoline.

Issue: For months prior to January 1975, how should Firms A, B and C have computed the amount of increased product costs which were available for recovery in the base prices of their natural gas liquid products pursuant to § 212.83?

Ruling: It is an underlying principle of all of FEA pricing regulations that refiners, resellers and retailers of crude oil and petroleum products be permitted to recover increases in their product costs on a dollar-for-dollar basis in the prices permitted to be charged. Section 4(b)(2)(A) of the Emergency Petroleum Allocation Act of 1973 generally provides that recovery of increased product costs be permitted on a dollar-for-dollar basis.

Thus, for example, in implementing this principle, the "base price" for products sold by a refiner under FEA's pricing regulations (and before that under the Cost of Living Council's regulations) has been defined by the following general rule:

> The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83.

Section 212.83(b) of the FEA regulations (which is identical to the corresponding section of the predecessor CLC regulations in Title 6 of C.F.R.) includes within the definition of "increased product costs" for products refined and sold by a refiner, "the difference between the total costs of crude petroleum during the month of measurement and the total cost of crude petroleum during the month of May 1973. . . ." Methods for computing this difference and allowing it to be passed through on a dollar-for-dollar basis are described in the refiner's cost formulae contained in § 212.83(c).

Although Subpart E of Part 212 of FEA's regulations specifically address only the passthrough of the increased cost of crude petroleum and petroleum product, a comparable dollar-for-dollar passthrough of increased shrinkage costs is also permitted for the reasons stated above. A dollar-for-dollar passthrough of all increased product costs may therefore be achieved by firms A, B and C in the foregoing fact situations as follows:

Firm A. Firm A is entitled to increase its May 15, 1973 selling price for its natural gas liquid products in the month following the month of measurement to reflect increased costs of the mixed gas liquid stream which it purchased for processing during the month of measurement. Since Firm A purchases its mixed stream at a fixed price per gallon, its increased product costs under § 212.83 are equal to the difference between the per gallon cost of the mixed stream on May 15, 1973 and the per gallon cost during the month of measurement multiplied by the number of gallons purchased by Firm A during the month of measurement.

Firm B. In many instances in which natural gas is processed pursuant to "net back" arrangements, such as that between Firms B and Y, the equivalent of increased product costs incurred by crude oil refiners is the increased cost of natural gas shrinkage. That is, an increase in the amount by which the value of the unprocessed natural gas is reduced through processing. This reduction in value is often referred to as the cost of natural gas "shrinkage." The cost of such shrinkage is the reduction in sales revenues that could otherwise have been received for the natural gas pursuant to the contract under which the gas is being sold, if its volume or BTU content had not been reduced through processing to extract natural gas liquids.

Accordingly, where the natural gas sales revenues are reduced by processing, and where the selling price of the natural gas that has been processed has increased since May 15, 1973, the cost of shrinkage resulting from extraction of the liquids will also have increased. The FEA considers this increased shrinkage to be an "increased product cost" under § 212.83 and it may therefore be recovered on a dollar-for-dollar basis in Firm B's base prices for natural gas liquid products in the month following the month of measurement.

The cost of shrinkage shall be determined by comparing the value of the natural gas prior to processing with the value of the natural gas after processing. The value of the natural gas stream for

this purpose shall be computed by reference to the contractual terms in effect for the sale of Firm B's "residue" natural gas during the relevant month. For example, since the sale of residue gas by Firm B was made on a volumetric basis, shrinkage costs incurred by Firm B as a result of extraction from the gas stream must be calculated on a volumetric basis. On the other hand, if Firm B sold its residue gas on a $/MMBTU basis during the relevant month, its shrinkage costs would be determined on the same basis. Any increase in the cost of shrinkage shall be determined by comparing the cost of shrinkage respecting a particular stream during the month of May, 1973, with the cost of shrinkage during the month of measurement.

Since there is no sale of the natural gas liquid products and the residue gas under the "net-back" arrangement for which a per-unit price can be determined until after the gas has been processed, the increased cost of shrinkage is calculated with respect to residue gas sold in the month of measurement and is then applied in the month following the month of measurement to the May 15, 1973 selling price of the natural gas liquid products with the proceeds from these sales by Firm B apportioned between Firm B and Firm Y as provided by the "net-back" agreement.

Firm C. Firm C also incurs "shrinkage" costs when it removes natural gas liquids from its natural gas stream since the revenues received for its natural gas stream are thereby reduced. Firm C is therefore entitled to recover its shrinkage costs on a dollar-for-dollar basis under § 212.83 in the same manner as Firm B, above.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

MAY 23, 1975.

[FR Doc. 75-14041 Filed 5-27-75;9:51 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Elimination of Penalty Provisions for Withdrawal of Time Deposits Before Maturity Upon Death of Depositor

On April 4, 1975 the Board of Directors of the Federal Deposit Insurance Corporation adopted a proposed amendment to § 329.4(d) of the FDIC's rules and regulations (12 CFR 329.4(d)). The proposed amendment would permit insured nonmember banks to pay time deposits before maturity, without imposing a penalty therefor, in certain cases where the depositor has died. The proposed amendment was published as a notice of proposed rulemaking in the FEDERAL REGISTER of April 10, 1975 (40 FR 16219-20). Interested persons were given until May 16, 1975 to submit written data, views or arguments on the proposed amendment.

After considering all comments submitted to the FDIC, the Board of Directors has decided to adopt the proposed amendment without change as set forth below. Since the amendment relieves a present restriction, its effective date will not be delayed for 30 days following publication.

Effective date. The amendment to § 329.4(d) shall be effective May 26, 1975.

By order of the Board of Directors, May 23, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

Section 329.4(d) is amended by adding a new sentence at the end thereof as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* * * * *Provided,* that the penalty prescribed by this paragraph (d) shall not apply to the withdrawal of all or any portion of a time deposit before the maturity thereof upon the death of an individual depositor who, at the time of his death, is the sole legal and beneficial owner of such deposit.

[FR Doc.75-14037 Filed 5-28-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On March 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 12810) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho, Control Zone.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., August 14, 1975.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on May 12, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

§ 71.171 [Amended]

In § 71.171 (40 FR 354) the description of the Boise, Idaho Control Zone is amended to read as follows:

BOISE, IDAHO

Within a 5-mile radius of the Boise Air Terminal (Latitude 43°33'55" N., Longitude 116°13'30" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, within 5 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles southeast of the VORTAC; and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

[FR Doc.75-13902 Filed 5-28-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 927—COASTAL ZONE MANAGEMENT PROGRAM, ADMINISTRATIVE GRANTS, ALLOCATION OF SECTION 306 FUNDS TO STATES

Interim Regulations

Notice is hereby given of the establishment of interim regulations regarding allocation of coastal zone management program administrative grants to State governments pursuant to section 306(a) of the Coastal Zone Management Act of 1972 (Pub. L. 92-583; 86 Stat. 1280).

Under section 306 of the Act, the Secretary of Commerce is authorized to make annual grants to any coastal State for the purpose of administering the State's coastal zone management program if he approves such program in accordance with section 306 of the Act. Such grants shall not exceed 66⅔ percent of the costs of administering the program in any one year. Federal funds received from other sources shall not be used to pay the State's share of costs. No annual administrative grants made under section 306 shall exceed $2,000,000 for fiscal year 1975, $2,500,000 for fiscal year 1976, or $3,000,000 for fiscal year 1977. In addition, no such grant may be awarded for less than one percent of the amount so appropriated, except upon a request of a waiver of such provision by a coastal State.

Section 306(b) states in part:

Such grants shall be allocated to the States with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area of the plan, population of the area and other relevant factors * * *

The interim regulations set forth below establish the procedure for allocating funds under section 306 to the coastal States and are intended to fulfill the above requirements of section 306(b). Such interim regulations are intended for allocation of funds made available for grants under section 306 in Fiscal